



IFU

2616  
\$

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: A8046

Stephen B. WEINSTEIN, et al.

Appln. No.: 10/058,379

Group Art Unit: 2616

Confirmation No.: 5854

Examiner: Ajit PATEL

Filed: January 30, 2002

For: VIRTUAL NETWORK OPERATION IN SWITCHED LAND ENVIRONMENTS, WITH  
IP-BASED AAA AND TRAFFIC ENGINEERING

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. International Patent Application Publication No. 00/13436, published March 9, 2000.

2. International Patent Application Publication No. 99/01969, published January 14, 1999.

3. International Patent Application Publication No. 01/39538, published May 31, 2001.  
07/27/2006 JADD01 00000002 10058379  
01 FC:186 180.00 0P

4. Japanese Patent Application Publication No. 2000-503198, published March 14, 2000.

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/058,379

Attorney Docket: A8046

5. Japanese Patent Application Publication No. 2000-341327, published December 8, 2000.
6. Japanese Patent Application Publication No. 2003-516000, published May 7, 2003.
7. Japanese Patent Application Publication No. 9-130406, published May 16, 1997.

One copy of each of the listed documents is submitted herewith as well as a copy of a Corresponding Japanese Office Action dated March 8, 2005, with a partial English translation which cites the above listed documents 1-3.

The present Information Disclosure Statement is being filed (without a Statement Under 37 C.F.R. § 1.97(e)) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore a check for the fee of \$180.00 under 37 C.F.R. § 1.17(p) is attached.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses here with a copy of a corresponding Japanese Office Action dated November 16, 2004, and an English translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

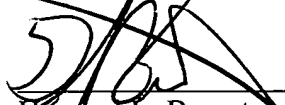
INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 10/058,379

Attorney Docket: A8046

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



Howard L. Bernstein  
Registration No. 25,665

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: July 26, 2006

|  |   |    |   |                          |                      |
|--|---|----|---|--------------------------|----------------------|
| Substitute for Form 1449 A & B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(use as many sheets as necessary)</i> |   |    |   | <i>Complete if Known</i> |                      |
|  |   |    |   | Application Number       | 10/058,379           |
|  |   |    |   | Confirmation Number      | 5854                 |
|  |   |    |   | Filing Date              | January 30, 2002     |
|  |   |    |   | First Named Inventor     | Stephen B. WEINSTEIN |
|  |   |    |   | Art Unit                 | 2616                 |
|  |   |    |   | Examiner Name            | Ajit PATEL           |
| Sheet  | 1 | of | 1 | Attorney Docket Number   | A8046                |

| U.S. PATENT DOCUMENTS |                       |                 |                                      |                                |   |
|-----------------------|-----------------------|-----------------|--------------------------------------|--------------------------------|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
|                       |                       | Number          | Kind Code <sup>2</sup><br>(if known) |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |
|                       |                       | US              |                                      |                                |   |

| FOREIGN PATENT DOCUMENTS |                       |                           |                     |                                      |                                |   |                          |
|--------------------------|-----------------------|---------------------------|---------------------|--------------------------------------|--------------------------------|---|--------------------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document   |                     |                                      | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Translation <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |                                |   |                          |
|                          |                       | WO                        | 00/13436            | A2                                   | 03-09-2000                     | Nokia Oy  |                          |
|                          |                       | WO                        | 99/01969            | A1                                   | 01-14-1999                     | 3COM Corporation                                |                          |
|                          |                       | WO                        | 01/39538            | A1                                   | 05-31-2001                     | Nokia Corporation                               |                          |
|                          |                       | JP                        | 2000-503198         | A                                    | 03-14-2000                     |   |                          |
|                          |                       | JP                        | 2000-341327         | A                                    | 12-08-2000                     |   |                          |
|                          |                       | JP                        | 2003-516000         | A                                    | 05-07-2003                     |   |                          |
|                          |                       | JP                        | 9-130406            | A                                    | 05-16-1997                     |   |                          |
|                          |                       |                           |                     |                                      |                                |   |                          |
|                          |                       |                           |                     |                                      |                                |   |                          |
|                          |                       |                           |                     |                                      |                                |   |                          |
|                          |                       |                           |                     |                                      |                                |   |                          |

| NON PATENT LITERATURE DOCUMENTS |                       |  |                          |
|---------------------------------|-----------------------|--|--------------------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published. | Translation <sup>6</sup> |
|                                 |                       |  |                          |
|                                 |                       |  |                          |
|                                 |                       |  |                          |
|                                 |                       |  |                          |
|                                 |                       |  |                          |

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov), MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to indicate here if English language Translation is attached.

**A8046-B**

- Claims: 1 through 79
- Cited Literature 1 through 3
- Remarks

Cited Literature 1 describes

“a wireless access network comprising an IP router, mobile terminals and access points (corresponding to the ‘air access points’ of the present application);  
a router and gateway connected to the wireless access network (see Figure 3; corresponding to the ‘router’ and ‘gateway router’ of the present application);  
an Internet service provider connected via the gateway; and  
adding flow labels to packets, analogous to the IETF multiprotocol label switching (MPLS) concept.”

Since Cited Literature 1 contains the “MPLS concept,” performing routing using “MPLS” in order to perform communication with an “Internet service provider” is a matter which could be easily conceived of by a person skilled in the art.

**Point of Difference 1.**

The present application comprises “performing authentication and charging of fees using a RADIUS server,” differing from Cited Literature 1, which does not describe said arrangement.

**Point of Difference 2.**

The present application comprises “extracting the profile of a mobile subscriber from a first air access point and loading it into a second air access point,” differing from Cited Literature 1, which does not describe said arrangement.

**Regarding Point of Difference 1**

Performing authentication and charging of fees using a RADIUS server is well-known art, as described in Cited Literature 2 (see page 8, line 5 through page 29, line 24). Applying the well-known art of Cited Literature 2, which is in the same technical field of networks comprising an internet service provider, gateway and terminals, to Cited Literature 1, is a matter which could be easily conceived of by a person skilled in the art. Furthermore, whether or not to use encryption in the authentication method is a matter of design to be selected as appropriate by a person skilled in the art.

**Regarding Point of Difference 2**

Forwarding the key and other information from the old AP (access point) to the new AP when a mobile terminal moves is well-known art, as described in Cited Literature 3 (see page 8, line 21 to page 10, line 19). Applying the well-known art of Cited Literature 3, which is in the same field of wireless networks, to Cited Literature 1, is a matter which could be easily conceived of by a person skilled in the art.

Therefore, applying the well-known art of Cited Literature 2 and 3 to Cited Literature 1 and modifying the design as appropriate to arrive at Claims 1 through 79 of the present application is a matter which could be easily conceived of by a person skilled in the art.

(While Claim 1 of the present application describes a “router” and a “gateway router,” referring to Claim 2, the “gateway router” is connected to a “mobile telephone network.” In Figure 3 of the present application, the “IP gateway” is connected to a “mobile telephone network,” and the “gateway router” is connected to an “Ethernet switch.” In other words, the “router” of the claims is equivalent to the “gateway router” of the Specification of the present application and the “gateway router” of the claims is equivalent to the “IP gateway” of the Specification of the present application. Thus, there is no correspondence in the names of the devices between the claims and the Specification, which is unclear. The other claims are similarly unclear. The unclear language should be corrected.)

**List of Cited Literature**

1. International Publication WO 00/13436 pamphlet
2. International Publication WO 99/01969 pamphlet
3. International Publication WO 01/039538 pamphlet

### List of Cited Literature

- Claims: 1 through 17 and 66 through 80
- Cited literature:
- Remarks

Cited Literature 1 describes

"A system comprising a mixture of networks including a wireless network, wherein when a remote user accesses the Internet through an Internet service provider (ISP), authentication is performed using an authentication server and routing to the Internet is performed if approved; a communication chassis that functions as a gateway is maintained by the ISP; and charging of fees and authentication is performed utilizing the RADIUS protocol."

The invention of Claims 1 through 17 and 66 through 80 of the present application differs in that it includes Point of Difference 1.

"Performing routing using multiprotocol label switching and incorporating an identification tag into packet headers" Point of Difference 2.

"The mobile subscriber profile is fetched from a first air access point to a second air access point," while the invention described in Cited Literature 1 does not describe the aforementioned arrangements.

Regarding Point of Difference 1

Cited Literature 2 describes performing encapsulation (attachment of capsule header) by MPLS to implement a VPN, and the technique of routing by inserting identification tags using MPLS is well-known art. Applying the well-known art described in Cited Literature 2, which is in the same technical field of performing communication between networks, to Cited Literature 1, is a matter which could be easily conceived of by a person skilled in the art.

Regarding Point of Difference 2

Cited Literature 3 describes forwarding the key and other information from the old AP (access point) to the new AP when a mobile terminal moves. Applying the publicly known art of Cited Literature 3, which is in the same technical field of wireless networks, to Cited Literature 1, is a matter which could be easily conceived of by a person skilled in the art.

The points other than the aforementioned points of difference are well-known art (e.g. dynamic assignment of IP addresses to mobile subscribers).

Therefore, applying the publicly known art of Cited Literature 2 and 3 and the well-known art to Cited Literature 1, thereby arriving at the arrangement of Claims 1 through 17 and 66 through 80 of the present application, is a matter which could be easily conceived of by a person skilled in the art.

### List of Cited Literature

1. Published Japanese Translation of a PCT Application 2000-503198
2. Japanese Unexamined Patent Application Publication 2000-341327
3. Published Japanese Translation of a PCT Application 2003-516000

---

### Record of Prior Art Literature Search Results

- Fields searched           IPC 7th Edition   H04L 12/28-46
- Prior art literature       Japanese Unexamined Patent Application Publication H9-130406

This Record of Prior Art Literature Search Results does not constitute a reason for rejection.